

Appl. No. : 10/688,135
Filed : October 17, 2003

REMARKS

In response to the Office Action mailed September 7, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Claim Rejections

Claims 11 and 12 stand rejected as anticipated by Pompa (USPN 5,320,529). Applicant respectfully disagrees with the rejection for several reasons. For example, Applicant submits that that one of skill in the art would not consider the template 16 and model 10 of Pompa to be scored along its longitudinal axis to allow the parts to be separated into halves by peeling. Nevertheless, to advance prosecution, Applicant has chosen to amend Claim 11 as summarized below. Applicant reserves the right to pursue Claims 11 and 12 in their original or similar form in a continuing application.

Independent Claim 11 now recites, in part, that the openings in the central portion “extend generally traverse to a longitudinal axis of the directing sheath”, the lumen extends “generally along the longitudinal axis of the directing sheath and intersecting the at least two openings and that the directing sheath is scored “to allow the directing sheath to be split into two separate halves and dividing the lumen.” In contrast, in Pompa, the openings 12 do not intersect the lumen 11 and the device does not divide the lumen 11 when separated.

For at least this reason, Applicant submits that Claims 11 and 12 are in condition for allowance.

New Claims

Applicant has added new Claims 36-53. Claims 36-43 depend upon Claim 11 and, for at least this reason, these claims are also in condition for allowance.

Independent Claim 36 recites, in part, that “at least two openings that extend through the central portion of the generally traverse to a longitudinal axis of the directing sheath intersecting the longitudinal lumen.” As noted above, the cited art does not disclose, teach or suggest this limitation. For at least this reason Applicant submits that Claim 36 and dependent Claims 37-53 are in condition for allowance.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

12-7-06

By: _____



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